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8 Attorney for Objectors,
9 P. REA, S. SADLOWSKI,
10 A. SARABIA, D. SPERLINE,
11 and ROES 1 through 10, individually,
12 and on behalf of all others similarly situated

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANITA C. RAGANO, *et al., etc.*,
Plaintiffs,

v.

MICHAELS STORES, INC., a
Delaware corporation, and
DOES 1 through 100, inclusive,
Defendants.

Civil Action Number:

11-cv-03908 CRB

CLASS ACTION

**OBJECTORS' MOTION FOR
ADMINISTRATIVE RELIEF RE:
FINAL FAIRNESS HEARING
[L.R. 7-11.]**

Hearing date: [No hearing required.]

Hearing time: [No hearing required.]

Dept.: Courtroom 6 – 17th Floor

Judge: HON. CHARLES BREYER

**OBJECTORS' MOTION FOR ADMINISTRATIVE RELIEF RE: FINAL
FAIRNESS HEARING [Civil L.R. 7-11.]**

1 This Motion for Administrative Relief Re: Final Fairness Hearing is filed on
2 behalf of Objectors, Mr. P. Rea, Ms. S. Sadlowski, Ms. A. Sarabia, and Mr. D.
3 Sperline, pursuant to Civil L.R. 7-11:

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5 **Action Requested:** Entry of an order confirming that Objectors' Objection will
6 be heard at the Final Fairness Hearing on 5 April 2013, and granting Objectors'
7 counsel leave to appear telephonically.

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9 **Reasons Supporting the Motion:** On 26 October 2012, this Court entered an
10 order granting preliminary approval of a proposed class-action settlement, and setting
11 a final fairness hearing for 1 March 2013. (*See, ex rel.*, Preliminary Approval Order,
12 at 3:22, Document 54.) This Court granted the Class Representatives until 15 February
13 2013 to file their Motion for Final Approval. (*See, ex rel.*, Preliminary Approval
14 Order, at 3:23-27, Document 54.)

15 Objectors timely filed their Objection to the proposed settlement on 18
16 December 2012. (*See*, Document 57.) The cover page of the Objection indicates that
17 it is to be heard on 1 March 2013, which is the date originally set for the final fairness
18 hearing.

19 The Class Representatives timely filed their Motion for Final Approval on 15
20 February 2013. Shortly thereafter, this Court, *sua sponte*, continued the final fairness
21 hearing to 4 April 2013. (*See, ex rel.*, Clerk's Notice of 19 February 2013.) While it
22 is assumed that this Court also intended to continue the Objection proceedings, the
23 Clerk's Notice does not expressly so state.

24 Objectors' undersigned counsel will be traveling out of state on Friday, 5 April
25 2013. (*See*, accompanying Gallo Declaration.) Because Objectors' undersigned
26 counsel could not have anticipated that the final fairness hearing would be reset to that
27

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1 date, Objectors' undersigned counsel is hopeful that this Court would permit him to
 2 attend telephonically. The alternative would be to send another attorney in his place.

3
 4 **Reasons a Stipulation Could Not be Obtained:** No stipulation could be
 5 obtained because the Class Representatives' counsel declined to stipulate unless
 6 Objectors were to agree to the Class Representatives' proffered position on the merits
 7 of the Objection. (*See*, Gallo Declaration, and e-mail attached thereto.)

8 9 **CONCLUSION**

10 WHEREFORE, Objectors request that this Court enter an order: (a) clarifying
 11 whether Objectors' Objection will be heard on 1 March, or on 5 April; and (b) granting
 12 Objectors' counsel leave to appear telephonically on 5 April (and specifying the call-in
 13 method to be employed).

14
 15 Dated: 20 February 2013

Respectfully submitted,

16 DAVID J. GALLO
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19
 20 By: /s/ David J. Gallo
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 21 SADLOWSKI, A. SARABIA, D.
 22 SPERLINE, and ROES 1 through 10,
 23 individually, and on behalf of all others
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 26 [MOT_ADMIN_RELIEF.wpd]
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 FAIRNESS HEARING [Civil L.R. 7-11.]**

CERTIFICATE OF ELECTRONIC SERVICE

I, DAVID J. GALLO, hereby certify that, upon electronic filing hereof, I have effected electronic service of the preceding document upon all parties who have appeared in the above-captioned civil action, in the manner authorized by L.R. 5-1(h), Local Rules of the United States District Court for the Northern District of California.

/s/ David J. Gallo
DAVID J. GALLO

[MOT_ADMIN_RELIEF.wpd]

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